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09/834,861	04/13/2001	Zheng Fang	039362-0065	5580

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EXAMINER

ANWAH, OLISA

ART UNIT	PAPER NUMBER
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2645

DATE MAILED: 03/02/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/834,861

Applicant(s)

FANG, ZHENG

Examiner

Olisa Anwah

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 08 January 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-23 is/are pending in the application.
- 4a) Of the above claim(s) 4,5,11,13 and 20-23 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-3,6-10,12 and 14-19 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413) Paper No(s) \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

**DETAILED ACTION**

***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

2. Claims 1-3, 6, 8-10, 12, 14-16, 18 and 19 are rejected under 35 U.S.C § 103(a) as being unpatentable over La Porta et al, U.S. Patent No. 5,473,679 (hereinafter La Porta) in view of Minert et al, U.S. Patent Application Publication No. 2002/0141386 (hereinafter Minert).

Regarding claim 1, La Porta discloses an apparatus comprising:

a consumer premises equipment (CPE) configured to be connected with one of a selectable plurality of call agents in response to user input, each call agent using one of a plurality of call control languages (104);

wherein the CPE includes at least a first telephone jack that couples the CPE to a first subscriber telephone (101) and a

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second telephone jack that couples the CPE to a second subscriber telephone (103);

wherein the first subscriber telephone communicates with a first service provider using a first call agent and a first call control language, and the second subscriber telephone communicates with a second service provider using a second call agent and a second call control language that is different from the first call control language (see Figure 3).

La Porta does not explicitly disclose the service providers are VoIP service providers. However Minert discloses this limitation (see paragraph 0055). Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify La Porta with the VoIP service provider taught by Minert. This modification allows for voice data to be delivered via the Internet as suggested by Minert (paragraphs 0017 and 0018).

Regarding claim 2, see paragraph 0055 of Minert and Figure 3 of La Porta.

Regarding claim 3, see Figure 1 of La Porta. Also see Figure 2 of Minert.

Regarding claim 6, see Figure 1 of La Porta.

Regarding claim 8, see paragraph 0055 of Minert.

Regarding claim 9, see Figure 1 of La Porta.

Regarding claim 10, see Figure 1 of La Porta.

Regarding claim 12, see Figure 1 of La Porta. Also see Figure 2 of Minert.

Claim 14 is rejected for the same reasons as claim 1.

Claim 15 is rejected for the same reasons as claim 2.

Regarding claim 16, see Figure 4 of Minert. Also see col. 1, line 35 to col. 2, line 30 of La Porta.

Claim 18 is rejected for the same reasons as claim 8.

Claim 19 is rejected for the same reasons as claim 10.

3. Claims 1-3, 6, 8-10, 12, 14-16, 18 and 19 are rejected under 35 U.S.C § 103(a) as being unpatentable over La Porta in view of DiCamillo et al, U.S. Patent Application Publication No. 2002/0061100 (hereinafter DiCamillo).

Regarding claim 1, La Porta discloses an apparatus comprising:

a consumer premises equipment (CPE) configured to be connected with one of a selectable plurality of call agents in response to user input, each call agent using one of a plurality of call control languages (104);

wherein the CPE includes at least a first telephone jack that couples the CPE to a first subscriber telephone (101) and a second telephone jack that couples the CPE to a second subscriber telephone (103);

wherein the first subscriber telephone communicates with a first service provider using a first call agent and a first call control language, and the second subscriber telephone communicates with a second service provider using a second call agent and a second call control language that is different from the first call control language (see Figure 3).

La Porta does not explicitly disclose the service providers are VoIP service providers. However DiCamillo discloses this limitation (see paragraph 0014). Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify La Porta with the VoIP apparatus taught by DiCamillo. This modification improves efficiency as suggested by DiCamillo.

Regarding claim 2, see Figure 3 of La Porta.

Regarding claim 3, see Figure 1 of La Porta.

Regarding claim 6, see Figure 1 of La Porta.

Claim 8 is rejected for the same reasons as claim 1.

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Regarding claim 9, see Figure 1 of La Porta.

Regarding claim 10, see Figure 1 of La Porta.

Regarding claim 12, see Figure 1 of La Porta.

Claim 14 is rejected for the same reasons as claim 1.

Claim 15 is rejected for the same reasons as claim 2.

Regarding claim 16, see col. 1, line 35 to col. 2, line 30  
of La Porta.

Claim 18 is rejected for the same reasons as claim 8.

Claim 19 is rejected for the same reasons as claim 10.

4. Claims 7 and 17 are rejected under 35 U.S.C § 103(a) as being unpatentable over La Porta combined with DiCamillo in further view of Sladek et al, U.S. Patent No. 6,622,016 (hereinafter Sladek).

With respect to claim 7, the combination of La Porta and DiCamillo does not disclose the plurality of call control languages are included from the list of NCS, SGCP, MGCP or GR303. However Sladek discloses this limitation (see col. 11, line 48 to col. 12, line 5). Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to further modify the combination of La Porta and DiCamillo with the list taught by Sladek. This modification

would allow for communication using different protocols as suggested by La Porta and Sladek.

Claim 17 is rejected for the same reasons as claim 7.

#### ***Response to Amendment***

5. Applicant's arguments have been considered but are deemed to be moot in view of the new grounds of rejection.

#### ***Conclusion***

6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated



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from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Olisa Anwah whose telephone number is 703-305-4814. The examiner can normally be reached on Monday to Friday from 8.30 AM to 6 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Fan Tsang can be reached on 703-305-4895. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9314 for regular communications and 703-872-9314 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.

O.A.  
Olisa Anwah  
Patent Examiner  
February 11, 2004

FAN TSANG  
SUPERVISORY PATENT EXAMINER  
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